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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,764	02/28/2005	Katsushi Tsutsui	FP3002-0034	9956
39083	7590	03/14/2006	EXAMINER	
CERMAK & KENEALY, LLP 515 EAST BRADDOCK RD SUITE B Alexandria, VA 22314			CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/525,764

Applicant(s)

TSUTSUI, KATSUSHI

Examiner

Paula L. Craig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains more than a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,210,385 to Mizutani.
4. For Claim 1, Mizutani teaches an absorptive product that is elongate in a longitudinal direction and has a surface side configured for contact with a body (Figs. 1 and 3 and col. 1, lines 4-8). Mizutani teaches a back sheet which has a shape elongated in one direction and prevents the permeation of liquid (backsheet 7, Fig. 3 and col. 2, lines 19-25). A liquid permeable surface material is arranged on the surface side configured for contact with a body (topsheet 6, Fig. 3 and col. 2, lines 19-25). An absorbent is arranged between the back sheet and the surface material and is capable of absorbing and holding a liquid which permeates the surface material (absorbent core 8, Fig. 3 and col. 2, lines 19-26). A resilient body is fixed at least to the absorbent in a

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center region in a lateral direction of the product and imparts a contracting force to the absorbent with respect to the longitudinal direction (elastic members 11, deformation inducing means 15, and panel member 16, Figs. 1-3, col. 2, lines 33-61 and col. 3, lines 18-62; note panel member 16 is stated to be resilient and is fully capable of imparting a contracting force to the absorbent in the longitudinal direction). Mizutani teaches slits formed in the absorbent in a region on which the contracting force of the resilient body acts (slits are deformation guiding means 13, 14, and 20, col. 2, line 62 to col. 3, line 52).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani in view of U.S. Patent No. 4,886,513 to Mason, Jr. et al.

8. For Claim 2, Mizutani teaches all the limitations of Claim 1, as described above in paragraph 4. Mizutani teaches the resilient body being arranged such that the resilient body imparts the contracting force to the absorbent along the longitudinal direction of the product, the resilient body includes two laterally spaced sides, and the slits are respectively arranged adjacent each of the laterally spaced sides with respect to the resilient body (Figs. 1-3). Mizutani does not expressly teach the resilient body imparting the contracting force to the absorbent mainly along the longitudinal direction of the product. However, a resilient body imparting a contracting force to the absorbent mainly along the longitudinal direction of the product is well known in the art. Mason confirms this and teaches an absorptive product having a resilient body which imparts contracting force to the absorbent mainly along the longitudinal direction of the product (reinforcing members 14, 50, 82, and 158, Figs. 1-25 and col. 3, lines 10-34, col. 4, lines 45-65, and col. 6, lines 23-34). Mason indicates that the resilient body makes the absorptive product have an improved tendency to conform to the body and be less likely to become displaced (col. 6, lines 16-20). It would have been obvious to one of ordinary skill in the art at the time of the invention by the Applicant to modify Mizutani to include the resilient body imparting contracting force to the absorbent mainly along the longitudinal direction of the product, as taught by Mason, to improve conformability and reduce the tendency for the product to become displaced.

9. For Claim 3, Mizutani teaches the slits having longitudinal end sides parted away from the resilient body (deformation guiding means 20, Fig. 1).

10. For Claim 4, Mizutani teaches the slits being formed adjacent both sides of the resilient body such that one slit is formed on each side in symmetry and both slits have center portions thereof in the longitudinal direction thereof arranged close to each other and other portions thereof gradually parted away corresponding to the distance from the center portions (deformation guiding means 20, Fig. 1).

11. For Claim 5, Mizutani teaches the resilient body being formed of a film-like resilient body (col. 3, lines 53-57). Mizutani teaches the resilient body imparting a contracting force in the longitudinal direction (col. 2, lines 33-61 and col. 3, lines 18-62). Mizutani does not expressly teach the contracting force being imparted mainly in the longitudinal direction. Mason teaches the contracting force being imparted mainly in the longitudinal direction, as described above for Claim 2 in paragraph 8. It would have been obvious to one skilled in the art to modify Mizutani to include the contracting force being imparted mainly in the longitudinal direction, as taught by Mason, for the same reasons as described above for Claim 2 in paragraph 8.

12. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani in view of U.S. Patent Application Publication No. 2002/0013563 to Lassen et al.

13. For Claim 6, Mizutani teaches all the limitations of Claim 1, as Mizutani teaches the absorbent being formed by stacking a first absorbent layer and a second absorbent layer (cores 8a and 8b, Fig. 6 and col. 4, lines 18-23). Mizutani teaches the second absorbent layer having high liquid holding property and the resilient body being fixed to

the second absorbent layer (Fig. 6 and col. 4, lines 20-24). Mizutani teaches the slits being formed in the second absorbent layer (Figs. 3-6). Mizutani does not expressly teach the first absorbent layer having high liquid diffusivity. However, including in a stack of absorbent layers a layer having high liquid diffusivity is well known in the art of absorptive products. Lassen confirms this and teaches an absorptive product having first and second absorbent layers, with the first layer having high liquid diffusivity (transfer layer 23, Figs. 1-2 and paragraph 23). Lassen teaches the transfer layer functioning to rapidly transport body fluids into the absorbent core and reducing the occurrence of rewet (paragraph 23). It would have been obvious to one skilled in the art to modify Mizutani to include the first absorbent layer having high liquid diffusivity, as taught by Lassen, to rapidly transport body fluids into the second absorbent layer and reduce the occurrence of rewet.

14. For Claim 7, Mizutani teaches a notched portion being formed in the first absorbent layer corresponding to a position where the resilient body is formed (deformation guiding means 13 and 20 form notches in the first absorbent layer; Fig. 6).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Nos. 4,834,733 to Huntoon et al., 4,892,536 to DesMarais et al., 5,591,150 to Olsen et al., 5,766,213 to Hackman et al., 6,222,092 to Hansen et al., 6,350,257 to Bjorklund et al., 6,398,770 to Drevik show resilient bodies. U.S. Patent Nos. 2,747,575 to Mercer, 4,560,372 to Pieniak, 5,514,104 to Cole et al.,

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5,611,790 to Osborn, III et al. show slitted absorbents. U.S. Patent No. 5,713,883 to Hsieh shows notches. The remaining prior art references listed on the accompanying Form PTO-892 show the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571)272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig
Examiner
Art Unit 3761

PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

